

Response to Common Population Policy Review ('the Review')

As a charity concerned with diversity, inclusion and equality, our interest in the Review is focused on how immigrants are treated on arrival in Jersey.

The Migration Control Policy (Section 8 – Migrants' rights) makes it clear that more work needs to be done to welcome immigrants and that this will be addressed by ministers, although no timeline for this work is given. The work is also limited to three areas: healthcare, social security, family life.

It is widely acknowledged that Jersey will always be reliant on some foreign workers either to bring skills to the island that cannot be home grown, or to fill the vacancies Islanders do not want to fill. It is vital that Government address the ill treatment, discrimination, prejudice and human rights abuses that occur, or Jersey will continue to have a 'revolving door' of workers who leave for places where they receive a warmer welcome, which benefits nobody.

There is little in the Common Population Policy to address the question of immigrant rights. Some acknowledgement of public sentiment is included on p.32: 'Many liked the cultural diversity of the Island with all members of the younger (18-30) group wanting the Island to be more multicultural and inclusive... This group also felt that Jersey could have a stronger identity and be more welcoming to incomers'.

Despite diversity and inclusion being repeated within the focus groups' research a number of times, particularly as being a factor that would help young people stay in Jersey, nothing in the Common Population Policy addresses how immigrant workers may be unfairly treated by employers and what should be done to improve matters.

A number of charities, including Liberate, who work with immigrant groups are aware of cases involving workers who have been treated unfairly. Example issues arising from these cases:

- Contracts for £9.00 per hour (40 hours per week) less accommodation costs of £500 per month, which whilst not illegal leave very little safety margin for the employee. Some employees on this type of contract have, due to coronavirus, had their hours of work cut and have been making only just enough to cover their accommodation. This leaves them trapped here, unable to save the cost of the airfare home.
- Contracts that use six month probation periods to engage extra manpower to cover busy times, particularly accountants in the finance industry between January and June, then let the employee go because they 'did not pass probation'. This leaves the employee with no unfair dismissal rights because they have not been employed for 52 weeks and a work visa that is now invalid. The employee then has 28 days in which to find another job or leave the island.
- Immigrant workers being paid less than other employees for the same job.

The suggestion that Jersey's Employment and Discrimination Tribunal is the forum in which an employee can seek justice and redress for being unfairly treated or discriminated against does not work for immigrant workers as it does for other workers because:

- The Tribunal does not preserve the claimant's anonymity, and claimants may be afraid of being known as a 'troublemaker', effectively making them unemployable;
- The Tribunal relies on claimants understanding the system and their legal employment rights, which can be difficult where English is a second language;

- To bring a case means placing your trust in the justice system, this may not be something that someone is accustomed to if they come from a culture where the system of law and order is corrupt;
- Cases take time to construct and bring to court, devoting time to this is unlikely to be a priority when you have limited time in which to find alternative employment (and possibly also accommodation) before deportation;
- When you have been unfairly treated by a jurisdiction, you may no longer wish to stay in that country and prefer to leave and 'cut your losses'.

We would like to see somewhere within the work on migration and population the Government addressing the sharp practise involving immigrant workers that is happening in Jersey. We would like to see:

- Clear guidance published on the Internet by Jersey's Government around migrant employee rights that also gives transparent advice on what to consider when accepting a contract in Jersey and examples of what could go wrong.
- Government scrutiny of the employment contract being offered when a work permit is applied for to ensure that migrant employees are not being taken advantage of, including the ability to ask for evidence of salary levels for existing employees in the same job.
- In addition to the work being done on gender pay gap reporting, ethnic/nationality pay gap reporting should also be included.
- The ability to extend the visa of someone wishing to remain in Jersey to make a complaint of unfair dismissal in order for that complaint to be fully investigated.
- An emergency fund that can be applied to by immigrant workers who have grounds for a Tribunal case, but who for whatever reason do not want to take a case in Jersey's Tribunal, that enables them and their family to return home.
- A timeline for the commitment made in the Migration Control Policy around healthcare, social security, family life.

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